



# Housing Act 2004

## 2004 CHAPTER 34

### PART 4

#### ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

### CHAPTER 3

#### OVERCROWDING NOTICES

#### **142 Requirement as to new residents**

- (1) The requirement prescribed by this section is that the person on whom the notice is served must refrain from—
  - (a) permitting a room to be occupied by a new resident as sleeping accommodation otherwise than in accordance with the notice; or
  - (b) permitting a new resident to occupy any part of the HMO as sleeping accommodation if that is not possible without persons of opposite sexes who are not living together as husband and wife sleeping in the same room.
- (2) In subsection (1) “new resident” means a person who was not an occupier of the HMO immediately before the notice was served.
- (3) For the purposes of subsection (1)(b)—
  - (a) children under the age of 10 are to be disregarded; and
  - (b) it must be assumed that the persons occupying any part of the HMO as sleeping accommodation sleep only in rooms for which a maximum is set by the notice and that the maximum set for each room is not exceeded.